

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

F035169 People v. Powell

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F034794 People v. Trueblood

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the case is submitted for decision.

F036339 People v. Swint

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036339 People v. Swint

Appellant's conviction on count 3, for violating Vehicle Code section 10851, subdivision (a), is reversed; the portion of the sentence attributable to the count 3 conviction, i.e., eight months, is vacated; the stay of imposition of sentence on count 4 is also vacated; and an eight-month consecutive sentence is imposed on count 4. The judgment is further modified to provide that appellant is awarded 333 days of presentence credits, consisting of 223 days of actual time credits and 110 days of conduct credits. In all other respects, the judgment is affirmed. The superior court is directed to prepare an amended abstract of judgment reflecting the foregoing modifications, and to deliver a certified copy thereof to the proper authorities.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F035469 Harper-Nielsen-Dillingham/Hawaiian Dredging v. American Home Industries Corporation; Realty & Equipment Corporation

The judgment is affirmed. Each party is responsible for its own costs on appeal. Vartabedian, Acting P.J.

We concur: Harris, J.; Levy, J.

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F037456 People v. Goldman, Jr.

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F036726 People v. Hamilton

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F037456 People v. Goldman, Jr.

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F036726 People v. Hamilton

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F038432 In re Bill Von Kagler on Habeas Corpus

Let a petition for writ of habeas corpus issue vacating the sentence imposed in Fresno County Superior Court action No. 580795-3. The matter is remanded to the Fresno County Superior Court, which is directed to conduct a new sentencing hearing in accordance with the opinion expressed herein, and which is further directed to prepare a new abstract of judgment that accurately reflects the sentence imposed at that hearing.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034410 Jablonsky v. Sierra Kings District Hospital et al.

The judgment is affirmed. Levy, J.

We concur: Ardaiz, P.J.; Dibiaso, J.

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IN THE
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IN AND FOR THE
Fifth Appellate District

F038637 Jodi M. v. Sup. Ct. Tulare; Tulare Co. Health & Human Services Agency
The petition for extraordinary writ is denied.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F034551 People v. Johnson
F037853 In re Byron C. Johnson on Habeas Corpus
The May 4, 2001, order administratively consolidating the
appeal herein with appellant's petition for writ of habeas corpus is
hereby vacated.